

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Wednesday, April 6, 1966

Opening Prayer by Madam Speaker.

MADAM SPEAKER: Presenting Petitions

MR. R. O. LISSAMAN (Brandon): Madam Speaker, I beg to present the petition of the Brandon Community Chest, Praying for the passing of an Act to incorporate The Brandon Community Chest.

MR. LISSAMAN, in the absence of the Honourable Member for Morris, presented the petition of Leon Glassco and others, Praying for the passing of an Act to incorporate the Manitoba Institute of Registered Social Workers.

MADAM SPEAKER: Reading and Receiving Petitions

MR. CLERK: The petition of The St. James Scholarship Foundation, Praying for the passing of an Act to amend An Act to incorporate the St. James Scholarship Foundation.

The petition of the Manitoba Conference of the Seventh Day Adventists, Praying for the passing of an Act to incorporate The Manitoba Conference of the Seventh Day Adventists.

The petition of Tjitske Medgyes and others, Praying for the passing of An Act for the Relief of Tjitske Medgyes, Feikie Bosma and Tina Stuve.

The petition of the Archbishop of Rupert's Land and The Synod of The Diocese of Rupert's Land, Praying for the passing of An Act respecting The Diocese of Rupert's Land.

MADAM SPEAKER: Presenting Reports by Standing and Special Committees.

HON. STEWART E. McLEAN, Q. C. (Attorney-General)(Dauphin): Madam Speaker, I present the first report of the Standing Committee on Public Accounts.

MR. CLERK: Your Standing Committee on Public Accounts begs leave to present the following as their first report.

Your Committee met for organization and appointed Hon. Mr. McLean as Chairman.

Your Committee recommends that for the remainder of the Session the Quorum of this Committee shall consist of ten members.

Your Committee has examined the Public Accounts of the Province of Manitoba for the fiscal year ending the 31st day of March, 1965, as published, and finds that the receipts and expenditures of the monies have been carefully set forth and all monies properly accounted for.

Your Committee received all information desired by any member from the Ministers, Heads of Departments and members of the Comptroller-General's office with respect to receipts, expenditures and other matters pertaining to the business of the Province and all necessary papers were produced for examination. The fullest opportunity was accorded to all members of the Committee to examine vouchers or any documents called for, and no restriction was placed upon the line of examination.

Your Committee agreed to meet again, as and when required.

All of which is respectfully submitted.

MR. McLEAN: Madam Speaker, I move, seconded by the Honourable the Minister of Education, that the report of the Committee be received.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: Notices of Motion  
Introduction of Bills

MR. LISSAMAN introduced Bill No. 113, an Act respecting The City of Brandon; and Bill No. 115, an Act to amend The Brandon Charter.

MR. JAMES COWAN, Q. C. (Winnipeg Centre) introduced Bill No. 116, an Act to amend The Winnipeg Charter, 1956 and to validate By-laws Nos. 19061, 19190, and 19204 of The City of Winnipeg.

MR. JAMES T. MILLS (Kildonan) introduced Bill No. 117, an Act to amend The Shops Regulation Act.

MADAM SPEAKER: Committee of the Whole House.

HON. J. B. CARROLL (Minister of Welfare)(The Pas): Madam Speaker, in the absence of the Minister of Agriculture, I'd like this matter to stand.

MADAM SPEAKER: Before the Orders of the Day, I would like to attract your attention to the gallery where there are 6 Grade 7 and 8 students from Kleinstad School under the direction of Mr. Klassen. This school is situated in the constituency of the Honourable Member for Rhineland. We have 60 Grade 6 students from Dieppe School under the direction of Mr. Dorward

(MADAM SPEAKER cont'd)..... and Mr. Gushiliak. This school is situated in the constituency of the Honourable the Minister of Mines and Natural Resources. There are 23 Grade 6 students from Linwood School under the direction of Mrs. Wallace. This school is situated in the constituency of the Honourable the Member for St. James. We have 26 Grade 5 students from Collicutt School under the direction Mr. Toews and Miss Bradslaw. This school is situated in the constituency of the Honourable the Member for Seven Oaks.

On behalf of all Members of this Legislative Assembly, I welcome you.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party)(Radisson): Madam Speaker, before the Orders of the Day, I would like to have been able to address a question to the Honourable the First Minister. I understand he is now around, but busy I believe on other business and not able to be here, so in that case I would address my question to the Honourable the Leader of the House.

Madam Speaker, on March 24 a letter was directed to the First Minister by the President of the New Democratic Party of Manitoba in respect of representation in the constituency of Inkster. You know, Madam Speaker, the constituency has not been represented since the untimely death of our colleague. The purpose of the letter was to have the assurance of the government that a by-election or a general election will be held prior to another Session of the Legislature, and I'm wondering whether or not the House Leader might be able to indicate whether or not the constituency of Inkster will be assured of representation one way or the other before another Session of the Legislature is called.

HON. GURNEY EVANS (Minister of Industry and Commerce)(Fort Rouge): Madam Speaker, I have no knowledge of the letter in question. I will take notice of the question on behalf of the First Minister.

MADAM SPEAKER: Before we proceed, I would like to tell the members of the House - or ask them to note that there is a correction on the Order Paper with respect to Bill No. 79. Through a clerical error, the Bill is reported in Votes and Proceedings as having been read a second time. I have instructed the Clerk to effect this correction whereby the Bill will be reported as an adjourned debate. If this Bill does not receive second reading today, it will not be included in those bills on the Committee of Industrial Relations which is slated for tomorrow.

HON. ROBERT G. SMELLIE, Q.C. (Minister of Municipal Affairs)(Birtle-Russell): Madam Speaker, in reply to a question put to me by the Honourable Member for Gladstone, the increase in the year 1965-66 over the previous year was 127.54 percent, and the increase this year over last year is 21.14 percent.

MR. NELSON SHOEMAKER (Gladstone): Madam Speaker, and this applies right across the board to all municipal corporations, I take it.

MR. SMELLIE: Yes.

MR. SHOEMAKER: Madam Speaker, before the Orders of the Day are proceeded with, I would like to direct a question to my honourable friend the Minister of Health. Is it his intention to ask concurrence on the report that was tabled the other day of the Dental Services Committee. Today's paper suggests that it is your intention to ask concurrence.

HON. CHARLES H. WITNEY (Minister of Health)(Flin Flon): Madam Speaker, I think I answered that question just the other day, and when - I will be giving notice to the House later.

MR. PAULLEY: Madam Speaker, before the Orders of the Day, I would like to direct a question to the Honourable the Minister of Public Utilities, and I apologize to him for not drawing the matter to his attention prior to asking the question. It concerns, Madam Speaker, the development of the power development on the Nelson River - an agreement between the Province of Manitoba and the federal authority. I refer to an item appearing in the Winnipeg Free Press of April 1, wherein it is stated that Atomic Energy of Canada Limited has been designated as the federal agency to take part in negotiations on power development of the Nelson River. The Honourable the Minister of Mines and Natural Resources in the Federal House was replying to a member of the House of Commons and stated that the Crown agency, namely Atomic Energy of Canada, had the expert and necessary knowledge to represent the government in negotiations on the new Manitoba power development.

It is my understanding, Madam Speaker, that the information which has been forwarded to me in Orders for Return indicates that the Manitoba Power Commission will be conducting the development, and outside of that, only the transmission lines will have any relationship to the federal organization, because the federal authority is, as I understand it from the First Minister, only the banker in respect of the power development. My question to the Honourable the Minister of Public Utilities: Am I to take it, by the federal authority naming the Atomic

(MR. PAULLEY cont'd).....Energy agency to act on their behalf; that Canada has a greater interest than has been relayed to us in this House insofar as the whole project is concerned?

HON. MAITLAND B. STEINKOPF, Q.C. (Minister of Public Utilities)(River Heights): Madam Speaker, I'll take the question as notice as to what part the Atomic Energy will be playing in the operation.

MR. PAULLEY: A supplementary question, Madam Speaker. I wonder if the Honourable Minister would give me the assurance that we may have this information prior to consideration of the estimates of the Department of Public Utilities, because this is a matter of prime concern to the people of Manitoba and particularly to the Leader of the New Democratic Party.

MR. STEINKOPF: Madam Speaker, at the rate that the estimates are seeming to come about, I think we'll have plenty of time to get the answers.

MR. GILDAS MOLGAT (Leader of the Opposition)(Ste. Rose): Madam Speaker, I'd like to address a question to the Minister of Education. Last year, and again this year, I spoke on the matter of Brandon College and the feeling I had that the time had come for it to be set up as a university. I have just received a communication from the Brandon College Students Association advising me that Brandon College is soon to become an independent institution. I wonder if the Minister could indicate whether or not the government has made a decision in this regard and when the announcement is going to be made.

HON. GEORGE JOHNSON (Minister of Education)(Gimli): Madam Speaker, as I said during estimates, the decision has not been made. The whole matter of post-secondary education, as you know, is before the Council of Higher Learning and we are looking to that body for a report before we feel we should proceed as indicated - or before giving consideration to that. In the meantime, as the honourable member knows, we expect to bring in a bill with respect to Brandon College rationalizing the board membership along the lines of the University Board, and also bringing in enabling legislation which would make it possible to declare one of our existing affiliates - or Brandon - a university, should the Council of Higher Learning so recommend.

MADAM SPEAKER: The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON (Portage la Prairie): Madam Speaker, in the absence of the Provincial Treasurer, I would like to direct a question to the House Leader. It is with respect to farmers who use propane gas tractors. There appears to be some confusion as to whether or not they are entitled to a one cent per gallon rebate, and if they are, how do they apply. Are there forms available?

MR. EVANS: I'll take notice of the question and endeavour to get the information for my honourable friend.

MR. ELMAN GUTTORMSON (St. George): Madam Speaker, before the Orders of the Day, I'd like to direct a question to the House Leader. When is he going to table the agreement between Monoca A.G. and the government?

MR. EVANS: Madam Speaker - yesterday.

MR. PAULLEY: Madam Speaker, before the Orders of the Day, I'd like to direct a question to the Honourable the Minister of Labour. I must apologize too to him for not giving him prior notice. I've been going to do this for a couple of days. The other day an explosion took place in the City of Transcona as the result of, we understand, propane heaters blowing up, causing considerable damage and consternation in my city. I wonder if the Minister of Labour could indicate what investigations are taking place and whether he could indicate to the House the cause of the unfortunate circumstances.

HON. OBIE BAIZLEY (Minister of Labour)(Osborne): Madam Speaker, the explosion is being investigated by the office of the Fire Commissioner and the Mechanical and Engineering Branch of the Department of Labour, and as yet I have not had a report as to the cause of the explosion.

Madam Speaker, while I'm on my feet, I would like to advise members of the House that I have been informed that people forced out of employment because of flood conditions and who were working in insurable employment, can apply for Unemployment Insurance benefits by contacting the nearest office of the Unemployment Insurance Commission.

MR. MOLGAT: I'd like to address a question to the Provincial Secretary regarding the flood situation. In view of the fact that the government seems to have upped the estimate on the probable flood, have steps been taken to get further assistance from the Canadian Army and all its branches, that is Navy, Air Force and Army; and are there any further steps to be taken insofar as areas that are outside of the main dike system.

MR. STEINKOPF: Madam Speaker, the precautions and plans are pretty well along the same lines as they were prior to the increase in the estimate of what the height of the flood would be, except that there will be a little bit more of everything in order to take care of it, and that includes the supplies. Additional supplies of sandbags and sand have been ordered and will be coming in on a regular basis, on a daily basis. Additional members of the Armed Forces have been already assigned to duties, particularly in the valley south of here, and further numbers of the Armed Forces are standing by in case they are required.

MR. MOLGAT: Madam Speaker, a subsequent question on the same point. Is there anything being done insofar as assistance to those people who live outside of the dikes, to assist them in either sandbagging and moving? I am getting many complaints from people who are too old to be doing the work themselves, and in a number of cases do not have the funds to hire this to be done. Now is this to be handled through EMO? Will there be action taken to assist those people who are outside of the main dike system and yet who require assistance?

MR. STEINKOPF: Madam Speaker, these types of cases - and I know there are quite a few of them - are still the responsibility of the municipality and the municipalities have been trying to obtain volunteer help to look after the situation, and only then, if it's not possible, have they provided paid help. EMO will come into the operation only when a formal state of emergency is declared, and at that time will either provide the Army personnel to do it or will find hired people or put on a real drive for volunteers in order to get the work done. But everything is being geared to when the flood peak is expected, so that these people will be looked after. In the meantime, I would again respectfully suggest that these people get to the municipality, because I understand that, particularly today and tomorrow and the next day, there will be any number of volunteers looking to help out those who can't do their own work.

MR. LAURENT DESJARDINS (St. Boniface): Madam Speaker, I'd like to ask the same Minister a question in view of the answer that he gave my Leader. Does he know that the municipality, while visiting these people outside the dikes, make it clear. They tell them that they will have the material but they definitely will not get any help from the municipality as far as work, and this is in their instruction sheet. Some of the personnel, the Air Force or Army, they visit and they say impress on these people that the work has to be done by themselves.

MR. STEINKOPF: Well this is quite true. Now those people that are outside the dikes and require help for their own dikes, that is the labour, that labour is not being supplied on a paid basis or with the Army, but certainly the municipalities have made it clear in all cases that where need arises, they will assign volunteers to this work. If they haven't done it, why then I think we should take it up with the municipality that is concerned and get volunteers assigned. It may be that there are other priorities, but volunteers will be assigned as soon as it is absolutely needed to have them.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): I wonder if the Honourable Minister could permit a further question. Could you give the House any idea as to the percentage of voluntary help to the total help in connection with the diking system - or at least the addition to the diking system in Winnipeg?

MR. STEINKOPF: This is a broad and difficult question to answer because all of the help on the primary dikes was by mud and that was all done by paid help, by contract; and the sandbagging - the number of volunteers working on sandbagging varies in each municipality quite considerably. Some municipalities have been able to attract a larger number of volunteers than others, but I wouldn't like to venture a guess at this time what percent of the secondary dikes - the sandbagging - has been done by volunteers and what percent has been done by paid help.

MR. MOLGAT: I'd like to ask a subsequent question of the Minister on this subject. From what he has told us today then, the municipality is completely responsible insofar as secondary diking and insofar as individual diking. Well now the municipality, I understand, can get their supply of sandbags only through the government. They can not buy them directly themselves; they must get them through EMO. Can the Minister then give us the assurance that they will have all of the sandbags that they need, because in spite of the assurances of the Minister which he has given me every day, I get consistent different reports, from one of the municipalities at least, and that was St. Vital. I am told that yesterday St. Vital required 150,000 sandbags and that they were allotted 50,000. I am told that they will need between 400,000 and 500,000 sandbags for this weekend, but that they were advised today that they will not be getting any further supply of sandbags. Could the Minister either correct this statement or, if it is correct, verify it?

MR. STEINKOPF: Madam Speaker, I think the point between us is what they demand and what they actually require. If everyone were to have received all the millions of sandbags that have been placed on the dikes on the first day that we gave the notice out and we just delivered to every municipality many hundreds of thousands or millions of bags, we of course would not have had the bags. So what we have done is found out how many sandbags each municipality can properly fill and lay on any given day. Some days they will ask for 150 - some days 200, 000 bags - but we have somebody on the spot who sees how many bags that they are actually issuing and this is the number of bags that we have been allocating.

I can't say that ever since we started there hasn't been an hour or half an hour that they've been out of sandbags; but over the whole period, there has been no municipality that has been out of sandbags for any appreciable amount of time - certainly not for a day. To give you an idea of the magnitude of the job, the City of Winnipeg is now filling sandbags at the rate of 180, 000 a day. When we started with St. Vital, they estimated that the total would be - 30, 000 bags a day would be the most that they could handle. They have now got that up to somewhere between 70, 000 and 80, 000 bags a day and it's my understanding that they have always had that many or more. Now some days they ask for 150, 000; the next day they ask for 200, 000. They don't always get that amount of sandbags.

I think that this weekend there probably will be a very great rush on sandbags because of the long weekend and the volunteers available, and I just hope that the strain on us isn't too great. But if we are short - and I would suggest too that inasmuch as next week is a school holiday that some of the work that would like to be done on Friday, Saturday and Sunday, be extended to Monday, Tuesday and Wednesday, so that we do have a more orderly approach to issuing of these supplies. But long before the crest is due in the Metro Winnipeg area, we will have delivered to all of the municipalities all of the sandbags not only required for the initial estimates of where the dikes should go, but also the additional that has now been added since yesterday to the amount of the dikes. So I can't guarantee that we will have all the sandbags that everybody will want at any one hour tomorrow, but we will have all the sandbags prior to the time that the crest arrives in Winnipeg in plenty of time for the people to put them in the proper places.

MR. HILLHOUSE: Madam, before the Orders of the Day are called, I wonder if I might make an announcement to the House which I am very pleased to make, that is the Selkirk Fishermen last night captured the Senior Hockey Championship of Manitoba and will be representing Manitoba in the Allan Cup playoffs. For some time in the past one of Selkirk's chief exports was hockey players to the United States, and it's pleasing to note that they are again reasserting themselves in the position of eminence which they previously occupied in this field.

MR. MOLGAT: Madam Speaker, I wonder if I might ask one further question of the Provincial Secretary. There is no truth then to the statement that there will be no further allocation of bags to the municipalities in the Winnipeg area, and St. Vital in particular, for the next few days.

MR. STEINKOPF: None whatsoever, Madam Speaker.

#### ORDERS OF THE DAY

MADAM SPEAKER: Order for Return standing in the name of the Honourable the Member for Portage la Prairie.

MR. EVANS: I wonder if it would suit my honourable friend to allow this to stand in view of the absence of the Minister that -- I would like to deal with the matter. If he prefers however to move it, I'll take an adjournment to enable him to answer the matter.

MADAM SPEAKER: Agreed to stand?

MR. JOHNSTON: Madam, should I move the motion and then have it adjourned?

MADAM SPEAKER: Agreed.

MR. JOHNSTON: I beg to move, seconded by the Honourable Member for Carillon, that an Order of the House do issue for a Return showing: (1) The number of Highway signs in the Province of Manitoba advertising Highway construction and bearing the name Walter Weir. (2) The location and number of signs on each P. T. H. and Provincial Road. (3) The cost of these signs: (a) to build or purchase; (b) to rent.

MADAM SPEAKER presented the motion.

MR. EVANS: Madam Speaker, if there's no further debate, I move, seconded by the Honourable the Attorney-General, that the debate be adjourned.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: Order for Return standing in the name of the Honourable the Member for Portage la Prairie.

MR. JOHNSTON: I beg to move, seconded by the Honourable Member for Carillon, that an Order of the House do issue for a Return showing: All traffic counts taken on P. T. H. No. 4A for the years 1962, 1963, 1964 and 1965.

MADAM SPEAKER presented the motion.

MR. EVANS: Madam Speaker -- if my honourable friend wishes . . . .

MR. JOHNSTON: Madam Speaker, before the Honourable Minister adjourns it, I'd like to speak.

MADAM SPEAKER: The Honourable the Member for Portage la Prairie.

MR. JOHNSTON: Madam Speaker, it's well known that we have pressed time and time again for answers to questions of this nature. I need not go over old ground, but I think it is well to reiterate that we are dealing with taxpayers' money; we are dealing with work being performed in the province on behalf of all the people; and because of this fact, because there is no need to keep secret any information pertaining to highway construction, I feel the government should reverse the stand that they have taken in the past of keeping this information secret and being used for their own political ends.

I have here today's Free Press dated April 6, and a whole page is devoted to a report that has just been released by the Metro Council Planners and it talks about, and gives in detail, traffic counts in all its aspects. If I may quote out of one or two articles, one article is headed, "Thirteen Key Intersections Overloaded during the Rush Hours," and down in the third or fourth paragraph of the article - and I quote - this is what it says: "About 17,000 vehicles an hour enter the downtown area in an average peak period and 9,000 leave. The volume is fed by the heaviest used bridges, the Main Street bridge with 2,200 vehicles an hour, and the Disraeli and Provencher bridges with up to 1,700 an hour." Further down in the article, and I quote again, "The report says Portage from Memorial Boulevard to Main Street handle up to 1,200 vehicles an hour in either direction in peak periods, and Main from Portage to Logan Avenue handle up to 1,650 vehicles an hour in one direction." Further down in the article it mentions a time period. "From 7:00 a.m. to 7:00 p.m. up to 118,000 vehicles enter the area and up to 114,000 leave."

Another article on the same page, Madam Speaker, is devoted to the number of trucks that enter and leave Winnipeg and it gives the hours, the roads that are used, and actual figures. In another article still, a pedestrian traffic count is given and it states and it names the busiest intersection in Winnipeg, Portage Avenue and Donald Street, as having 11,000 crossings per hour.

Now, Madam Speaker, the reason for this report is quite evident. The Planners of the Metro Planning Commission, with regard to traffic, use this information as a basis for carrying out their road building and bridge building, and I think the province have not the right - this government has not the right to deny this information to the taxpayers who have paid for it, and I think it's time that they changed this pig-headed stand they have taken and make this information available. This is a matter of principle as to whether or not the taxpayers are entitled to information paid for by tax money.

MADAM SPEAKER: Are you ready for the question?

MR. EVANS: Madam Speaker, I beg to move, seconded by the Honourable Minister of Mines and Natural Resources, that the debate be adjourned.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: The Committee of the Whole House. The Honourable the Minister of Public Utilities.

MR. MOLGAT: Madam Speaker, I wonder if I may - I suppose it's on a point of order. There are two bills, Bill 79 and Bill 81, on Labour. I understand that the Industrial Relations Committee is sitting tomorrow morning. In view of the matters before us in the Committee of the Whole House, particularly Bill No. 5 which may take a considerable amount of time, it appears to me that we might not reach the second readings today. We would be quite agreeable, if the government wishes, to proceed with second readings at this time. They are adjourned by members of my group who are prepared to proceed. If they are passed, then they could go to Industrial Relations tomorrow morning.

MR. EVANS: I think that's a good idea, Madam Speaker, and I would request that you call the second reading -- I wonder, Madam Speaker, if you would be good enough to call the second reading of Bill No. 27, the adjourned debate on second reading of Bill No. 81, and the adjourned debate on second reading of Bill No. 79. Those are the three bills that my honourable friend is referring to -- those are the three in question? I thank him for the suggestion, and I think it's a very good one.

MADAM SPEAKER: May I have these bills again, please?

MR. EVANS: The second reading of Bill No. 27 -- that's second reading of the Act to Amend The Child Welfare Act on Page 3; then Bill No. 81, just under it, and then Bill No. 79.

MADAM SPEAKER: Thank you. The second reading of Bill No. 27.

MR. CARROLL presented Bill No. 27, An Act to Amend The Child Welfare Act, for second reading.

MADAM SPEAKER presented the motion.

MR. CARROLL: Madam Speaker, the amendment in this Act will enable the Children's Aid Societies or the Director of Child Welfare to place, on a temporary basis, a homemaker in a home where children have been found to be without the care of an adult and who require that care. This is a means by which we can provide a service to these children without the necessity of having to apprehend the children and take them in as wards of either the Children's Aid Society or the Director of Welfare. This is then an alternative to apprehension and we think makes a great deal of sense in helping to maintain the family, helping to keep them together where they otherwise might be split up and in some cases permanently, where this kind of service might enable the family to be held together in -- whatever has caused the situation -- so it can be sorted out and the parents returned or the guardian returned to take charge of their responsibility.

Over the last few years I think that most jurisdictions have been very conscious of the increasing responsibilities and the increasing number of children that are coming into ward care. In 1960 we had 1,914 in the Province of Manitoba; in 1965 we had 2,933, or better than a 50 percent increase in numbers with increasing costs up from \$1.1 million to \$2,069,000. So we see that there's not only a very substantial increase in numbers of children but also almost a doubling of the costs associated with these numbers.

This is a new provision in child welfare measures in Canada and new so far as North America is concerned. I don't think any other jurisdiction has this particular provision. It has been discussed with the Children's Aid Society and we feel that this will be an excellent preventive measure and one which will help to, as I say, keep the families together and give the children a chance to grow up in the homes of their natural parents. It will help to prevent them being taken out of their home and separated from the other children. I have a number of examples here of cases in the last few months that have come to the department's attention in which this kind of service would have been helpful, and I would just like to recite them very briefly for the members of the House.

One example is a family of nine children on assistance. The father was out of the province seeking employment when the mother deserted, leaving a 10-year-old child in charge. The children were subsequently apprehended and they are still in the custody of the Children's Aid Society.

The second case -- the police were notified by the Children's Aid Society that three children were left with a baby-sitter. The mother was overdue and the sitter had to leave for other reasons. Two days later the mother returned, contacted the Children's Aid Society and the children were subsequently returned to the family, but in this case the children had to be apprehended and taken from their home for that brief period of time.

The third case -- a mother with four children was suddenly taken to hospital and the father couldn't be located. Fortunately, the mother was able to give permission for the temporary homemaker service and the children did not have to be apprehended in this particular case.

The fourth one -- and this was the most serious one of the ones I am going to mention. There were 12 children taken into care when the parents were both under arrest, and although the parents were subsequently acquitted, they had by that time lost their home and the children have remained in care since that time. In order that we can grasp the financial implication, the cost of maintaining 12 children at the City of Winnipeg -- at least at the rates that apply in the Children's Aid Society of Winnipeg -- cost some \$13,000 per year, providing the children need no special care. If there is severe emotional disturbance, these costs could go

(MR. CARROLL cont'd).. considerably higher. But I think most important is the human loss, the human suffering that results from these kind of apprehensions, when in many cases the family could be maintained and held together through the provision of this temporary service during the first few days of desertion.

Once the temporary homemaker service has been provided, application must be made to the Courts within four days to get the permission of a Judge of the Juvenile Court to stay for a period up to 15 days, which can be extended under certain circumstances. We think this is a good preventive measure, makes good sense in good child protection casework, and certainly we hope will prevent some of the family breakdown and some of the flood of numbers of children coming into the care of the various societies involved.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MADAM SPEAKER: The adjourned debate on the second reading of Bill No. 81. The Honourable the Member for Portage la Prairie.

MR. JOHNSTON: Madam Speaker, I do not intend to speak very long on this Bill, but I think there is one point that perhaps the Minister might make clear when he closes the debate. I notice that in Section 5, the way I read it, there is no provision for an increase in the amount of moneys paid to the parent with respect to the children, at least it appears that way to me, and if the Minister would explain, if this is so, why. For instance in British Columbia the children - the first child receives \$45 according to the information I have here; B.C. it's \$35; Saskatchewan, it's \$45; in Manitoba, \$35. So the only point I make is that if the government sees fit to increase the parents money by 25 percent, some consideration should be given for the children, for some increase, and I would like him to make clear when he closes debate whether or not this is being done.

MADAM SPEAKER: Are you ready for the question?

MR. BAIZLEY: Madam Speaker, in answer to the Honourable Member's question, the Bill is making all children that the workman had been responsible for receive the same amount of money. There isn't an actual increase as he points out. There is the 33-1/3 percent increase in loss to widows from \$75 to \$100 a month.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MADAM SPEAKER: The adjourned debate on the second reading of Bill No. 79. The Honourable the Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Madam Speaker, I will be supporting the bill. I think this is a very good bill. The reason I adjourned it the other day was this is a new Act completely in respect to annual vacations with pay for employees and I wanted an opportunity to have a chance to read it, to see what's in it. It does establish a couple of new principles in this bills and that is in respect to vacations with pay, which is now going to be paid on four percent of the wages paid in respect to any regular working hours. This is something that we have also on this side requested, and I note that at the last couple of Liberal annual conventions this resolution passed on the floor. I had a resolution ready this Session to be presented, but the Minister or the First Minister had it in the Throne Speech debate so I held it back, but I do have a couple of questions that I would like to ask at this time.

I have to refer, Madam Speaker, to the section, and this one is Section 12, and that's in respect to when a plant is shut down and an employee's holiday comes due during the time when the plant is shut down, which is only a matter of about a week or ten days, couldn't this be called a whole year and vacation holiday pay be paid on such basis instead of setting out regulations, because when you look under that part, it says there'll be regulations set out in the Bill in respect of when a plant is shut down and say for instance an employee's holiday is due during the time when the plant is shut down. I think it would have been much more simpler just to call it a year instead of being concerned about the week or two weeks being short for the holiday. The second point, I can't see why a formula isn't set out right in the bill instead of a regulation. I think it should be stated right in the bill.

There is one more principle involved in here too that I would like the Honourable Minister to explain, and that's under Section 22, the Vacations with Pay. When an employee has not obtained cash in an amount equivalent to the vacation pay credit, it says the Minister shall make suitable arrangements where an employee shall be able to obtain cash. I just would like to know what the bill means by "suitable arrangements will be made by the Minister." If he can explain a couple of those points, Madam Speaker, I'd be prepared to let the bill go.

MR. BAIZLEY: Madam Speaker, in answer to the -- oh I'm sorry.

MR. PAULLEY: I am rather intrigued first of all, Madam Speaker, with the Johnny-come-lately who has just spoken on behalf of the Liberal Party. I'm glad to know that at long last the Liberals have come to recognize there are such people in the Province of Manitoba as "workers" who are entitled to holidays, and I want to compliment the Honourable Member for Assiniboia in having prepared a resolution that he might have presented had the fact of vacations with pay not been mentioned in the Throne Speech. I am sure my friend remembers that my colleague from Logan last year proposed a resolution, the outcome of which I am sure is the legislation that we have before us this afternoon. So I suggest to my honourable friend the member for Assiniboia - do a little more homework please. But I have no objections to the Liberals, at long last as I say, realizing that there are workers in Manitoba.

With respect to the bill itself, Madam Speaker, I have one point to draw to the attention of the Minister and to the House, and what I consider to be a very grave omission, in that there is not provision for three weeks holiday with pay after two years or some stated period. In industry generally today, it is becoming more and more recognized that after a period of two or three years, in some cases I admit five years, Madam Speaker, that the employee should be entitled to a vacation longer than two weeks, and many industries now make provision for three weeks after two years. As I say, with some it's five years, some 10 years, and there is an escalating clause in agreements which give benefits of a longer period of vacation through recognition of more service to the employer. And while I possibly can understand the omission of that provision in this particular bill, Madam Speaker, I suggest that whoever may be the government in the next year or so will take this matter under consideration. I assure you, Madam Speaker, if we happen to be the government of Manitoba, the labor legislation will be changed in order to make provision for three weeks holiday with pay after a period of two years or three years, as I believe it is in the sister province to the west of us.

There is one other point, Madam Speaker, that I'm somewhat confused, and I trust that the Minister will be able to give me clarification. I must refer to Sections 10 and 11, and I will not detail them, Madam Speaker, but just point out the possible area of conflict - or which may be conflicting - and that is the use of the term "termination of employment". Now it might be construed by some that before an employee is entitled to receive credit for a vacation, that the employment must be terminated. In other words, the employee divorces him or herself from the employer. I'm sure that this isn't the intention of the Minister. I think what the Minister has in mind is where a person may work for an employer for a portion of a year and they will get credit within that period of time for the amount of service that the employee accumulates.

I have a fear, Madam Speaker, of the use of the word "termination", that it might be used so that an employee whose services are not actually terminated but who may be laid off from employment for a period of time, will not under the present reading of the Act be entitled to the credit for vacation. I would respectfully suggest, Madam Speaker, to the Honourable the Minister, that he might take a look at this clause with his deputy and legal advisors to make sure that if an employee is simply laid off from employment and does not, in effect, sever completely the service from the company, that any accrued benefits will inure to the employee.

So I do join with my friend - in this I join with the Member for Assiniboia. It's an improvement over past legislation and I have no opposition to it except the comments which I make now, and ask the Minister if he would just look into that because I'm sure that most people will look at this Act as I do, the way it's put out - or spelled out, rather than what the legal mind might, and it might cause confusion and I ask the Minister to take that under consideration.

MR. BAIZLEY: Madam Speaker, in reply to the last question first, the reason for the terminology in 10 and 11 is to overcome exactly the situations that the honourable member is referring to. It seems that the legal mind suggests that you talk this way in order to cover the eventuality that he is referring to - he questioned that. However, I'll check it with them again.

I have no intention of any amendments for three weeks holiday after two years, three years, or five years. I think it's only fair that some standards should be left for contractual arrangements between employees and employers.

In answer to the Honourable Member for Assiniboia, referring to Section 22, this is to enable the government to pay, out of trust funds, money that an individual would be entitled to from the old stamp system - or from the change in system that we are moving from now where we have trust monies of construction workers that are held in trust and paid on request to the

(MR. BAIZLEY cont'd).....worker. This is the procedure that has to be used to maintain that position.

I believe, Madam Speaker, that answers the question of the Honourable Member from Assiniboia or was there another question that he cared to ask?

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. EVANS: Can we now return to the Committee of the Whole House?

MADAM SPEAKER: Committee of the Whole House. The Honourable the Minister of Public Utilities.

MR. STEINKOPF: Madam Speaker, I beg to move, seconded by the Honourable the Minister of Municipal Affairs, that Madam Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the following bills: No. 5, No. 2, No.3, No. 4, No. 14, No. 17, No. 28, No. 32, No. 57, No. 59, No. 15, No. 21, No. 51, No. 52, No. 60, No. 61, No. 65, No. 68, No. 73, No. 7, No. 40 and No. 72.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of the Whole House with the Honourable Member from Winnipeg Centre in the Chair.

..... continued on next page

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Bill No. 5. Section (1) --

MR. STEINKOPF: I was wondering if we could consider passing this bill by pages. I have a number of amendments here and I think they have already been distributed to the members of the committee. We'd be agreeable to passing it in any way that you think would be suitable, having in mind that it is a long bill and there are a lot of amendments.

MR. CHAIRMAN: Agreed. Page 1 --

MR. DOUGLAS L. CAMPBELL (Lakeside): Mr. Chairman, as far as I am concerned, I had the privilege of sitting in on the Special Committee that was considering this bill on a couple of occasions, but only a couple of occasions and for a comparatively short time. I realize that it's tremendously long and in many cases highly complex, and I would be a little bit doubtful about taking it in that way, but on the other hand, if it will expedite matters and on the understanding that we can hold you up a little bit, Mr. Chairman, by having time to look over the different pages, I would not make any objection to it. But if you will give us a little time on some of the pages, I think we'll require that, Mr. Chairman.

MR. CHAIRMAN: Page 1 as amended -- passed. Page 2 --(Interjection)--Page 1 we already passed. Page 2 as amended -- passed.

MR. CAMPBELL: No, we haven't already passed it, Mr. Chairman. If we're going to ...

MR. CHAIRMAN: I am sorry, there is no amendments on Page 1. Page 2 as amended --

MR. STEINKOPF: Mr. Chairman, I'd like to move an amendment on Page 2, and is it your wish that I read the amendment in detail for the record? --(Interjection)-- The amendments have been distributed - yes. I'd like to move that clause (8) of Section 2 of Bill 5 be struck out and the following clause substituted therefor: In the paragraph "dealer," No. (8), "Dealer means a person who, with or ...

MR. CAMPBELL: Mr. Chairman, if I may interrupt. If there is nobody else wanting it read, I have no objection to this one. I have had time to look it over.

MR. STEINKOPF: Well, I move the amendment, Mr. Chairman.

MR. CHAIRMAN: On Page 2, a new subsection (8) is inserted. Page 2 as amended -- passed.

MR. STEINKOPF: Mr. Chairman, clause (9) of Section 2 was struck out and that's on Page 2 too.

MR. CHAIRMAN: Right. Page 3 as amended --

MR. CAMPBELL: Mr. Chairman, this is one that I have a good deal of interest in, the definition of a "farm tractor." I believe that some of the farm organizations were represented before the committee, and does the definition - and I realize that it too has been amended, that is (18) of Section 2 - does it commend itself to the representatives of the farm organizations that were present?

MR. STEINKOPF: Well, Mr. Chairman, at the time that this was taken up, I don't know that there were any representatives of the farm organizations there except the members of the committee who happened to be farmers, and I think it commended itself to them.

MR. CAMPBELL: Mr. Chairman, I am sorry, I was under the impression that the Farm Bureau had made representations.

MR. STEINKOPF: Oh yes, they made - earlier they made representations on this. This is the recommendation that they suggested.

MR. CAMPBELL: The question I was asking was if this was along the line of their representations, or were they satisfied with it.

MR. EVANS: I would like to enquire for myself that -- I note on the amendments before us on the list, that it's noted that clause (17) of Section 2 was struck out. I take it this action was taken in the first committee, was it? We're not expected to take that action now.

MR. CHAIRMAN: That's right.

MR. STEINKOPF: Mr. Chairman, do you want a motion from me on each one of these amendments?

MR. CHAIRMAN: No, just on any new amendments that weren't passed by the committee.

MR. STEINKOPF: Yes. Well I have a new amendment that clause (18) of Section 2 of Bill 5 be struck out and a new amendment therefor.

MR. CHAIRMAN: Wasn't that passed by the committee?

MR. STEINKOPF: This was passed by the committee but it wasn't...

MR. CHAIRMAN: Well there is no need then for you to move that it be amended again. But aren't there some new amendments that have been introduced since the committee passed these others? Those will have to be moved by you.

Page 3 as amended -- passed. Page 4 --

MR. HILLHOUSE: Before you go on to 4, "farm trailer" was struck out in the committee too. Is it struck out on your copy there?

MR. CHAIRMAN: Do you mean subsection (19) struck out?

MR. HILLHOUSE: Yes.

MR. CHAIRMAN: No.

MR. HILLHOUSE: It was struck out in committee was it not?

MR. CAMPBELL: There is no note on the amendments that I have of that one having been struck out. I think the one the Honourable the Minister was mentioning, Mr. Chairman, is the new definition of "Metropolitan Winnipeg." Is that the one?

MR. CHAIRMAN: Page 4 as amended --

MR. CAMPBELL: Mr. Chairman, ...

MR. STEINKOPF: On (29), there is a new motion. It's a definition of "Metropolitan Winnipeg" added to Section 2 of Bill 5 immediately after clause (29) of Section 2 thereof, as printed, be struck out and the following clause substituted therefor: "Metropolitan Winnipeg." (30) "Metropolitan Winnipeg" means, as the case requires, (i) the metropolitan area as defined in The Metropolitan Winnipeg Act, or (ii) The Metropolitan Corporation of Greater Winnipeg.

MR. CHAIRMAN: Page 4 as amended -- passed. Page 5 --

MR. CAMPBELL: On Page 5, Mr. Chairman, the definition of "peace officer" seems to me to be very important because of the section that comes later on, which I understand is to empower a peace officer to, under certain circumstances, arrest without warrant. Is this definition sufficient under those circumstances -- "other person employed for the preservation and maintenance of the public peace."

MR. STEINKOPF: Well what section comes afterwards? -- (Interjection)-- Yes, I know - (37). But the suggestion is that because of some other section that comes later on that maybe the definition now of peace officer is not adequate because of the rights of a peace officer to make a direct arrest.

MR. CAMPBELL: The section that I'm referring to is 212 which says: "A peace officer who, on reasonable and proper grounds, believes that a violation of any of the following provisions, that is to say, " - and it lists quite a few of them - "whether the offence has been committed or not" - and so on - "may arrest that person without warrant whether he is guilty or not." I don't like the section to start with, but particularly I don't like it when we define peace officer so widely as we do in this section.

MR. HILLHOUSE: I think the point of my colleague, Mr. Chairman, is well taken, because if you look at (37) (ii) it includes "any person lawfully authorized to direct or regulate traffic, or to enforce this Act or traffic by-laws or regulations, by making arrests for violation thereof or otherwise." Now whether or no that "to enforce this Act or traffic by-laws or regulations," whether that also includes -" by making arrests for violation," if that's what they're instructed to do. Now I don't know about a Commissionaire. What would the position of a Commissionaire be whose duty is to check parking meters? --(Interjection)-- Well I don't know whether he's authorized, in the first place, when he's appointed to check parking meters. He is certainly authorized to check on that portion of a municipal by-law respecting parking meters, but whether or no his appointment also gives him the right to make arrests, I don't know.

MR. CAMPBELL: I submit, Mr. Chairman, that under 212, read in conjunction with this section, that it does. It seems to me that's going quite a distance. Mr. Chairman, I realize the difficulty of making amendments at this stage and I don't want to complicate the situation. If my honourable friend the Minister would be prepared to let this clause stand and have the appropriate officers look at it while we're going through the rest of it, that would be satisfactory to me. I have registered my objection; I don't want to hold it up any longer. . .

MR. STEINKOPF: Mr. Chairman, I think that that's a good suggestion. I've asked Mr. Tallin or Mr. Rutherford if they could be here, and they were standing by. I have been hoping that they would arrive, but if we could do that in all the cases and then just list the objections and have Mr. Tallin or Mr. Rutherford list the objections and give us a little time to check into it, so even if we have to prepare an amendment we could get it ready at the same time and not hold up all of the bill.

MR. CAMPBELL: Perhaps, Mr. Chairman, it would be even better if Mr. Tallin or Mr. Rutherford, and perhaps representatives of the department, were told what the objections are and they conferred outside of the Chamber. Any way is satisfactory to me. I do not have many that I consider of great substance, but this is one that I think really should be looked at pretty carefully.

MR. CHAIRMAN: Page 5 -- passed; Page 6 as amended -- passed; Page 7 as amended -- passed; Page 8 --

MR. CAMPBELL: No. 8, Mr. Chairman, again brings the "farm tractor" in and I must confess that I had to spend quite a bit of time on this one, but if the members of the committee were satisfied with it, I don't think I should take any more of the time of the committee at the moment. The same thing is true on the next page, which I'll mention while I'm at it, both the "farm trailer" in (68) and the "vehicle" in (73), but I don't want to hold up the work of the committee.

MR. STEINKOPF: Mr. Chairman, I wonder if you'd go back to Page 6 and check clause (52) re "school bus", and see if your copy has the word "Greater Winnipeg" after the "Metropolitan Corporation of Winnipeg."

MR. CHAIRMAN: It does not include -- at the end of the clause the words "to which this section applies" are struck out and these new words are inserted: "to which this clause applies, but does not include a transit bus owned and operated by the Metropolitan Corporation of Greater Winnipeg."

(Pages 8 to 16 were read and passed.)

MR. CAMPBELL: Page 17, Mr. Chairman, was that the amendment - just the "tractor or truck tractor" added, was that the only amendment?

MR. CHAIRMAN: Tractor or truck are inserted in subsection (2) of Section 11 after the word "truck." - "Tractor or truck tractor" are inserted after the word "truck" in subsection (2).

MR. CAMPBELL: That's the only one?

MR. CHAIRMAN: No, then in subsection (2) further down in the 6th line, the figure (3) is changed to (5) in the 6th line of subsection (2). The figure (3) is changed to (5) and then new subsections (3) and (4) are added, and the old (3) (4) and (5) are renumbered (5) (6) and (7).

MR. STEINKOPF: Mr. Chairman, can I go back again now that Mr. Tallin is here? There was a new definition of "Metropolitan Winnipeg" - I think it's (3) of Section 2. Is that the same one as you have in your bill there - the new one?

MR. CHAIRMAN: Yes, the new one. It's in here and it's been passed.

(Pages 17 to 25 were read and passed.)

MR. CAMPBELL: Mr. Chairman, on Page 26, subsection (3), I thought this was not very clear. My honourable friend the Legislative Counsel who is now here tells me it is clear. Well, I've learned the futility through the years of arguing with him and I wouldn't press it, but -- "A person holding an instruction permit issued to him under subsection (1) and no chauffeur's or driver's licence shall comply with the conditions set out in that subsection."

MR. CHAIRMAN: It is the opinion of the Legislative Counsel that it is clear.

MR. CAMPBELL: It is? Okay.

MR. CHAIRMAN: (Pages 26 to 32 were read and passed.)

MR. CAMPBELL: Mr. Chairman, on 33 (7), I was looking at the "tractor" there. I have to state again that it isn't too clear to me, but . . .

MR. CHAIRMAN: The Legislative Counsel thinks it's as clear as it can be made. Page 33 -- passed; Page 34 --

MR. CAMPBELL: Now this one on 34, Mr. Chairman - (11), that is the effective part of the law regarding the time the lights are to be turned on?

MR. CHAIRMAN: Yes.

MR. CAMPBELL: This determines that they "shall be lighted immediately after sunset." The next one doesn't bother many people except we farmers I guess. This is the controlling legislation in that regard, is it?

MR. CHAIRMAN: Yes. (Pages 34 to 42 were read and passed.)

MR. CAMPBELL: Mr. Chairman, on Page 43, Section 49, this is a problem I think. Some of my colleagues are much more familiar with it than I, but regarding the "Partitions in Livestock Trucks" - "When in use for the transportation of livestock, a truck shall be equipped with partitions adequate to separate different species, kinds, classes, types or sizes of livestock." Shouldn't we also say, "And they shall be used for that purpose and the livestock shall

(MR. CAMPBELL cont'd)... be so segregated." Equipment in a truck isn't enough by itself, is it? It's quite okay if the Minister would just have some of the folks take a look at it. I don't want to press the point.

MR. STEINKOPF: We'll put that one down on the list and we won't -

MR. CAMPBELL: That's okay. I'm suggesting that we...

MR. STEINKOPF: ...add to that, "and they shall be used for that purpose."

MR. CAMPBELL: It seems to me that there isn't much point in having them equipped unless it's also stated that they shall do it.

MR. STEINKOPF: What happens if they equip it for that purpose and use it for some other purpose - if they put grain in it or something?

MR. CAMPBELL: Then it wouldn't in my opinion make any difference because this applies only when livestock is being transported I suppose.

MR. ARTHUR E. WRIGHT (Seven Oaks): Mr. Chairman, on page -- Are you waiting for an answer?

MR. CHAIRMAN: I'm just drawing up a suggested amendment to make that ...

MR. WRIGHT: Would you like me to wait?

MR. CHAIRMAN: Go ahead.

MR. WRIGHT: Well on Page 40 in regard to mirror equipment...

MR. CHAIRMAN: Pardon?

MR. WRIGHT: Mirror equipment - no mention is made about side mirrors on passenger cars. It refers to "trolley buses, trucks and truck tractors shall be equipped on each side thereof with a mirror." Was no consideration given to a left-hand mirror on passenger cars? --(Interjection)-- Section 40. It's a well known fact that there is a blind spot - your rear view mirror takes in a certain area but people coming up on your left side can get into this blind spot and that's why most of us drive with a left-hand mirror. I wonder why that wasn't considered.

MR. CHAIRMAN: Perhaps we'll come back to where we stopped first and that is the old Section 49 is renumbered Section 50, and would someone move that the following words be added: "and the partitions shall be used for that purpose whenever the truck is transporting livestock of different species, kinds, classes, types or sizes."

MR. STEINKOPF: I'll move that, Mr. Chairman.

MR. CHAIRMAN presented the motion and after a voice vote declared the motion carried.

MR. CHAIRMAN: Now the Honourable Member for Seven Oaks asks with regard to Section 40 on Page 41 about a mirror on the right-hand side -- or the left-hand side...

MR. WRIGHT: ...to a mirror on the left side, or the driver's side.

MR. CHAIRMAN: This just requires that a motor vehicle shall be equipped with one mirror.

MR. WRIGHT: The reason I asked, Mr. Chairman, when I bought a new car, I was amazed to find out that a left mirror was not standard equipment. It's all right to say you have a rear view mirror, but there's definitely an area that this doesn't take care of. I don't know how people would want to drive a car without a left-hand mirror, and I wondered why it wasn't discussed.

MR. LEONARD A. BARKMAN (Carillon): Mr. Chairman, .... it is standard equipment now.

MR. HILLHOUSE: Mr. Chairman, even with that left hand rear mirror, there is still a blind spot on the new cars. You get one of those little European cars behind you and you don't see the darn thing until it's passed. I know that the sixty ..... Ford car there is a blind spot on the left rear where the side window at the rear doesn't go far enough back, and there is a blind spot of about 2 1/2 feet, and even with those rear view mirrors, you can't see a car that's right behind you.

MR. WRIGHT: .... it's very elementary but it's a piece of equipment that costs very little money, and to me it's such a commonsense thing to have a left hand mirror that I'm surprised there's no mention of it here. We know that they have to have it on trucks and tractors and all this, but now that it's standard equipment on new cars, what are we going to do about all the old cars? There are many of them on the road yet.

MR. P. J. McDONALD (Turtle Mountain): I have a left-hand mirror on my car and have never used it; it's just an ornament. And I think maybe that this is quite adequate the way it reads.

MR. CHAIRMAN: (Pages 43 to 49 were read and passed.) Page 50 --

MR. CAMPBELL: On Page 50; oh yes, I had checked this one before. I think it doesn't apply to farm tractors or implements of husbandry.

MR. CHAIRMAN: (Pages 50 to 58 were read and passed.) Page 59 . . . .

MR. CAMPBELL: On Page 59, Mr. Chairman -- the traffic authority may issue a special permit. Now the traffic authority, in this case we have to go back to the definition. I checked on this one because subsection (2) says that in granting a permit under this section "the authority may require the vehicle or object to be driven or moved under such conditions as it may impose."

Here we have a body which is -- we have quite a variety of people or groups as a traffic authority, (i) (ii) (iii). Should we have this multiplicity of people making provisions for this kind of thing or should they be to some extent dispensed?

MR. STEINKOPF: You're referring to all of the sections of 83? You think that that's too much leeway to give the traffic authority to issue the special permits for driving the vehicle? Is that the point that's being made?

MR. CAMPBELL: What I was really thinking of -- it wasn't as much the driving of a vehicle, but the moving of an object over, upon or along the highway, although such driving or moving is not otherwise permitted by this Act or the Regulations, and the traffic authority can be the Minister of Highways or it can be the Minister of Municipal Affairs or it can be the Municipal Council or it can be the Metropolitan Corporation of Greater Winnipeg, it can be the owner of the land involved or it can be somebody else. I just thought maybe we should have more uniform provisions than that. Let it go, Mr. Chairman.

MR. CHAIRMAN: (Pages 58 to 67 were read and passed.) Page 68 --

MR. CAMPBELL: Mr. Chairman, this one comes to what I think is the most important of all the questions that I have to raise, and this is the matter of the restrictions in driving provisions, and if I understand correctly, the Committee has struck out the 15-mile zone around school grounds. Is that correct? Mr. Chairman, I personally -- and I'm not speaking for our group on this -- but personally I think this is a mistake. I know that a lot of people -- I'm afraid that my honourable friend and colleague here right beside me is one of those people and he will likely express himself as cogently as always -- but even though I'm sure that he will say and others will say in supporting the move that has been made, that they think the proper way is to say that at all times people must be made to realize that they are required to drive at a speed that is prudent and proper, having regard to the conditions of the road and the traffic and all other matters, and they say, with some justification I admit, that that provision is more restrictive than having certain speed zones, I must say that in general I'm in agreement with that ordinarily, but I do think that insofar as school grounds and the little recreation parks in some of these places, that the 15-mile zone -- if 15 miles isn't the right speed perhaps 18 or something else may be all right, but that it is salutary to have a reminder there that in spite of the overriding provision that there's a special situation in that area. So, without debating the matter at length, I must say that I think the committee would be well advised to take another look at that. I have no amendment written out, Mr. Chairman, but rather than conduct a long debate on it I would be prepared to move at the appropriate time, if you wish me to, that in general principles that the 15-mile zone should be reinstated.

While I'm speaking on the subject, I think it is salutary for the committee to do whatever it can to publish to the driving public just what is required under the proposed legislation here so that it's within the minds of people that even with these changes that are made that you must observe them (if I read it correctly) within 15 minutes before the opening of morning classes or afternoon classes in the school, or within fifteen minutes of the closing of morning classes or afternoon classes in the school, or when the grounds are occupied. I think this is probably very well taken care of in total, and I have no objection except to the part that I think the 15-mile zone itself had some special benefit.

MR. CHAIRMAN: . . . . move an amendment now?

MR. CAMPBELL: I have not one written out, but as I said I'd be prepared to consider an amendment if so moved. . . . . one without me writing it out?

MR. STEINKOPF: Mr. Chairman, I think we could come back to that section if that would give some time to write out an amendment if you would like that, and just not pass this page and list that with the other. . . . . Let it stand.

MR. CAMPBELL: We'd have to let the next page stand too then.

MR. STEINKOPF: Mr. Chairman, while I'm on my feet, I just don't know what the usual procedure is, but Mr. Rutherford is in the gallery. I don't know whether he's an officer of the Assembly or not, but would it be possible to invite him down?

A MEMBER: If he has the qualifications, does he have to be elected?

MR. CHAIRMAN: (Pages 70 to 79 were read and passed.) Page 80 --

MR. CAMPBELL: Mr. Chairman, on Page 80, I note that the committee made a change in No. 112. If they hadn't I'd have sure asked the Legislative Counsel to explain exactly what that language meant.

A MEMBER: We should have a diagram at the side.

MR. CAMPBELL: The two diagonals of the intersection are the two that go from . . . corner. Right? And this says that when you are turning left, you can go inside of the intersection; in fact it says you should, does it? I think that's all right.

MR. CHAIRMAN: (Pages 80 to 83 were read and passed.) Page 84 --

MR. CAMPBELL: Mr. Chairman, I'm not even sure where this one comes in, but under the general heading of stopping, standing, parking, etc., did we make provision for turning right after coming to a full stop on a red light?

MR. STEINKOPF: No we didn't include that.

MR. CAMPBELL: Was it considered? I suppose it was.

MR. STEINKOPF: It was considered and I think we have legalized the situation that now exists in a couple of the areas in Manitoba that permit it, and we believe that they are not doing it properly so we have provided the right to do this.

MR. CAMPBELL: It was the judgment of the committee then, was it Mr. Chairman, that that was not a worthwhile change, or rather they decided against it?

MR. STEINKOPF: It was one of the points that was rather contentious in the committee. There were those who thought that it should be permitted, and I was one of them, but some of our experts, particularly those in the City of Winnipeg - Inspector Clark as I recall - were very much concerned lest we have so many regulations, say, on Portage Avenue where there are a lot of people walking and they only have a certain amount of time to get across on a red light, that somebody would stop and plow into a whole group of people if they were turning right, and there didn't seem to be any way that we could provide a uniform type of legislation, so we just, I think, made it permissive and left it up to the local authorities to do that. Mr. Hillhouse is looking a little concerned.

MR. HILLHOUSE: I think that I agreed with some of the traffic authorities. I think they felt it might be dangerous, particularly in the City of Winnipeg with such wide streets, and in view of the fact, too, it might interfere considerably with pedestrian traffic.

MR. CHAIRMAN: Subsection (16) of Section 84, Page 65.

MR. CAMPBELL: Mr. Chairman, I do not intend to debate at length or to move any amendment on that one, but in comment on what my honourable friend and desk-mate says about the wide streets, now I know we have a different amount of traffic in the City of Portage la Prairie to what we do have in Winnipeg, but we have equally wide streets there. I think Portage la Prairie has found that rule to be very helpful. My recollection is that the City of Brandon has it as well. Is that not correct?

MR. STEINKOPF: That is right.

MR. CAMPBELL: And - I don't want to misquote anybody, but it seemed to me that Inspector Montgomery who used to come before the Committee some years back was also a supporter of the Honourable the Minister and me in regard to this matter. However I'm not going to move an amendment on that.

MR. CHAIRMAN: (Pages 84 to 94 were read and passed.) Page 95 --

MR. HILLHOUSE: Mr. Chairman, in connection with Page 95, Section 145, that is the section which deals with gratuitous passengers and which prohibits anyone from recovering damages who is a gratuitous passenger in a car unless that person can prove that the driver or the owner of the car was guilty of gross or wilful negligence. In other words, the ordinary law of negligence doesn't apply in this particular case and I think it's time that we in Manitoba took a look at this section with a view to deciding whether or no it should be deleted from the Act.

I think the law of negligence now is quite clearly established. Not only is it established, it's been considerably enlarged, and to me it seems to be absurd that I am driving a passenger, a gratuitous passenger from my house downtown and I am involved in an accident with another car. I am not guilty of gross or wilful negligence but I'm guilty of ordinary negligence. Now, a gratuitous passenger in the other car could recover damages against me, but my gratuitous passenger could not recover damages against me unless I was guilty of gross or wilful damage. Now to me that's absurd for the simple reason that cars today -- at the time that this law was originally enacted, cars were not in as common use as they are today, and I think it was felt at

(MR. HILLHOUSE cont'd)... that time that the reason why a gratuitous passenger should not recover was that the driver of the car was doing him a favour. But we have situations today where people use pool cars, where John Smith will drive, say, four of his neighbours downtown for one week; the next week one of the other neighbours will reciprocate. Now it's a reciprocal arrangement and actually each one is doing it for the benefit of the other, so I don't think we can use the argument now that it would be unfair to the driver to make him liable for the injuries of a passenger simply on the grounds of ordinary negligence. I don't think that rule any longer applies. And when we consider the extent to which the law of negligence has been applied in recent years, I think it's absurd to keep this provision in the law.

For those reasons, Mr. Chairman, I would move that Section 145 be deleted from the Act.

MR. STEINKOPF: Mr. Chairman, the Honourable Member for Selkirk was kind enough to give me notice that he intended to bring in an amendment at this time, and I must be quite candid that I am in complete sympathy with the amendment. However, I think that in all fairness to the members of the committee, they should be told that there is a very strong objection on the parts of certain individuals and interests that this section be retained in the bill the way it is, and I know that at second reading when the principle of the bill was discussed, this point, which is a very major one so far as the principle of the bill is concerned, was not discussed and there would be some, I think, who would feel that they didn't have sufficient notice to be in a position to present their views. I wonder if it wouldn't be possible, as this Act won't be proclaimed for some time, if we couldn't put everyone on notice that it would be our intention at the first opportunity to try and amend this Act to provide just the clause that the Honourable Member for Selkirk has suggested. I know this is my personal thought in the matter that it's certainly unfair that with all the other concessions made in the laws of negligence that this one still seems to stick, but I do think that we might be criticized if we were to do it at this time without giving those who do object at least an opportunity to have their side of the case heard.

MR. HILLHOUSE: . . . . . the point was raised at the committee other than the fact that I gave notice that on third reading that I would move that this section be deleted from the Act. I know there is a strong lobby opposed to the deletion of this section, and it was that same lobby that insisted upon this section being put into our Act back in 1935, but in view of the fact that we have in Manitoba and all provinces, jurisdictions in Canada today, safety responsibility laws where by a back door method we insist upon people carrying insurance, and whereto the majority of injuries in automobiles are to passengers, I think it's absurd for us to carry on this protection that we have been giving. Now I know it's the insurance companies that are opposed to it. They're opposed to the removal of this. In Ontario, a gratuitous passenger cannot recover damages from the driver of a car under any circumstances, and yet in Ontario, according to the figures that are given in 1962, there were 465 passengers killed and 17,299 passengers injured in automobile accidents. Now that's in Ontario and in Ontario you cannot, as a gratuitous passenger, regardless of the negligence of the driver of the car, recover damages; and yet there were 17,299 passengers injured in 1962 and 465 passengers killed.

Now, it has been estimated that if Ontario did amend their Act and made the driver of a car liable for the injuries of a gratuitous passenger just on the basis of ordinary negligence, that the increase of premium would amount to \$7.00 to \$9.00 a year. Now I'm quite certain that if we deleted the Section 145 from our Act now, that the increase in premium to the ordinary automobile owner and driver would not amount to near as much as it does in the Province of Ontario. As a matter of fact I don't think it would amount to any more than about \$2.50 or \$3.00 a year.

I think that this is a section that should be taken out of the Act. It no longer has any place there. Everybody that carries insurance today carries passenger endorsement, but that passenger endorsement isn't worth a hoot unless you're guilty almost of a criminal offence. You've got to be guilty of gross or wanton negligence before that gratuitous passenger can recover from you. In fact it's getting so bad in Manitoba today that our Courts are really stretching the law to find people guilty of reckless or wanton carelessness in order to give compensation to gratuitous passengers, and I do, I feel very strongly that it's time we took a very close look at this section and it's time that we deleted it from the Act. It doesn't keep pace with our law in respect of negligence as it exists today. And after all we, as motorists, we're the ones that are going to pay the extra shot if there is any extra shot. I as a motorist am quite prepared to pay that extra shot and I'm quite satisfied that every member of this Assembly would be willing to pay this extra shot, because it would give a protection which we are insisting upon in respect

( MR. HILLHOUSE cont'd)... of injuries to other people, and I think it's pretty nearly time that we gave that protection to our own gratuitous passengers.

MR. PAULLEY: Mr. Chairman, I'm very interested in hearing the Honourable Member for Selkirk in regard to this very important matter of compensation for loss, of passengers that he has referred to. To me the solution is one that we in this corner have proposed on a number of occasions and we hope to be discussing the matter during the course of the Session; that is, the establishment in the Province of Manitoba of a compulsory automobile insurance scheme operated by the province. I have in my hand a synopsis of Saskatchewan's Auto Insurance Accident Act, which explains in the Act - and I think this is what my honourable friend really was getting at - (Interjection) - No, I know. My honourable friend argues against the type of insurance that's prevailing in Saskatchewan because it's from Saskatchewan and yet is advocating something similar here in this House insofar as our Highway Traffic Act is concerned. Because in Saskatchewan the very people that my friend the member for Selkirk has indicated an interest in, are protected under the clause which deals with compensation without regard to fault, and in the terms of the Act there it's stated that "every person is hereby insured in the amounts afterwards specified against loss resulting from bodily injuries sustained by him directly through accidental means providing such injuries are suffered as a result of driving, riding in or on, or operating a moving motor vehicle in Saskatchewan, or collision with or being struck, run down or run over by a moving motor vehicle in Saskatchewan."

Now there the very coverage that my honourable friend the member for Selkirk is desirous of having is covered. So I suggest to my friend that it would be far better for him, rather than simply delete this clause from our Highway Traffic Act, to endeavour to get enacted here in the Province of Manitoba an insurance scheme that will give to third parties or passengers in the car the very coverage that my honourable friend is worried about. He states, and I think he states correctly, that this clause that's in the present Act is for the protection of the insurance companies.

MR. CHAIRMAN: We are on Section 145.

MR. PAULLEY: That's right. That's correct. We are, Mr. Chairman, and we're discussing the question of injury to passengers without payment of fee in a car.

MR. CHAIRMAN: Yes, but the resolution before the House is to strike this out.

MR. PAULLEY: That's quite all right, but I'm supporting it, and suggesting to my honourable friend an alternative method which will achieve what he is desirous of achieving, and I think I'm perfectly in order. If you're insistent that I'm not, then I'll desist. You're the boss of the committee.

MR. CHAIRMAN: I think you should -- whether you want this section to stay in or not, that's the question before the House.

MR. PAULLEY: It is the question that I'm discussing.

MR. CHAIRMAN: No.

MR. PAULLEY: Speaking to the question, Mr. Chairman, as to compensation or otherwise to a party injured in an accident or being in a car under circumstances contained in 145.

MR. CHAIRMAN: . . . . .you keep to the question whether or not you want this section deleted or not.

MR. PAULLEY: I am suggesting, Mr. Chairman - I am suggesting, Mr. Chairman, that I'm perfectly in order, and unless you rule me otherwise in raising the point that I am, because Section 145 deals with the question of action or compensation for damages as the result of the circumstances under 145.

MR. CHAIRMAN: I think that you should keep your remarks to the question of whether or not you're in favour of this section being deleted.

MR. PAULLEY: Dealing with the question of the limitation of the right of action by guest passengers.

MR. CHAIRMAN: That's right.

MR. PAULLEY: And I am saying that if the clause was deleted there should be a substitution thereto in our insurance laws of the Province of Manitoba - similar provisions where the coverage that is evaded under 145 will be in effect in the Province of Manitoba. I leave this as a suggestion to the member for Selkirk and also to the Minister, because the Minister made the suggestion to my friend that he not proceed with his motion in order that the matter should be given further consideration. Now, Mr. Chairman, I am giving a lead - or guidance to the Honourable the Minister of Public Utilities for a point that can be given consideration if in effect the member for Selkirk adopts the suggestion of the Honourable Minister of Public Utilities.

MR. HILLHOUSE: Mr. Chairman, I'd like to congratulate the Honourable Member for Radisson in getting in his licks in spite of the fact that he has a resolution on the Order Paper which he couldn't debate because it was mentioned in the Throne Speech. The only difference between my honourable friend and myself is that I still say that the ordinary law of negligence applies. He says, "No, let's wipe out the way of negligence; let's compensate regardless of fault." Well I'm not prepared to go that far just now. All I am asking is that this section be deleted, and if my honourable friend wants to bring in a resolution adopting the Saskatchewan system in Manitoba, let him go ahead.

MR. CHAIRMAN: We got the motion from the Honourable Member for Selkirk.

MR. STEINKOPF: I just would like to add that there's little criticism that I can make on the statements of the Honourable Member for Selkirk and the suggestion that we delete the whole section, because that basically is my own sympathy on the section. I think it should have been never put in in the first place and that the time has come when it should be deleted.

I also have respect for the suggestion made by the Honourable Member for Radisson and I believe he is suggesting that this be taken up at the same time the committee is dealing with matters of insurance - that this be another matter that they deal with. Am I correct in that? --(Interjection)-- Yes. But the question of what this will do to the increase in the insurance rates is a matter that we haven't got too much to go on with the exception of the fact that it would be rather small, maybe an amount of \$2.50 or \$3.00 and something, and I am inclined to believe that it would be, but it would be quite a nightmare if we pass it and we found out that the premium went up many times that and we would be then probably criticized for acting a little bit too fast. I know that \$2.50 isn't very much, but some of you will recall the holler that went up when we added 50 cents to the fund. This seemed to be a whopping sum at that time. Inasmuch as it's only a matter of months between the time that this Act will be proclaimed and we can get back at it, again I would again respectfully suggest that we postpone taking the section out at this time and leaving it for the next opportunity.

MR. HILLHOUSE: There is one thing that I would like to add, Mr. Chairman, and that is this, that by retaining this section in the Act we're even precluding a gratuitous passenger from recovering under our Unsatisfied Judgment Fund, because there is no liability on the part of the driver of that car unless he is guilty of gross or wanton negligence. And when there can be no liability on his part, there is no fund that that individual can recover damages from, because there has got to be a liability on the part of the driver or the owner of the car before you can attach or get after the Unsatisfied Judgment Fund. You have got to get a judgment against him first, and here you are precluded from getting the judgment unless you can establish gross or wilful negligence.

MR. STEINKOPF: Mr. Chairman, this is another reason why I would like to have a little time, because if then this could be another charge on the Unsatisfied Judgment Fund, we'd have to take a look at that too from an actuarial basis and see what could happen to the Fund.

MR. HILLHOUSE: It wouldn't be a charge under the Unsatisfied Judgment Fund because it would be covered -- if the accident happened as a result of my negligence to a gratuitous passenger, it would be recovered against my insurance.

MR. STEINKOPF: Except for those who haven't got insurance or where the insurance can't be paid.

MR. CHAIRMAN put the question and after a voice vote declared the motion lost.

MR. CHAIRMAN: Page 95 as amended -- passed; Page 96 -- passed. Page 97 --

MR. SHOEMAKER: Mr. Chairman, on 97, I don't know whether these changes are new or not, but I am referring to subsection (3) of 149. Now what are the penalties if a person knows that he has done damages to another parked car and then falls to put a little slip on the windshield saying that I'm the culprit that backed into you or caused your car to be damaged. What are the penalties? At every Session I think that I have attended, someone has done damages to my vehicle when it was parked and I wish I could catch him. I was wondering if this was new. And then on the next subsection (4), I understand that they no longer impound a car, regardless of the damages done, unless there is injuries to persons. I wonder if I am correct in this assumption.

Then too, it appears that it is quite in order now to report an accident where the damages exceed \$100 to the closest officer. In Neepawa, for instance, if an accident occurs - I think it's seven miles north of the town - they have in the past reported to McCreary which was 40 miles away. It will be in order, I take it now, to report to the nearest officer.

MR. STEINKOPF: That is correct.

MR. SHOEMAKER: Mr. Chairman, that is the answer to -- I made three assumptions. They are all correct?

MR. CHAIRMAN: The penalty is set out in subsection (10).

(Pages 97 to 112 were read and passed.)

MR. CAMPBELL: Mr. Chairman, on Page 113, as I read the subsection (2), this would prevent a farm tractor being driven on Highway No. 1 under any circumstances whatever. Now I realize that -- and on quite a few other highways as well -- that's 167, subsection (2). "No person shall drive a farm tractor on a highway on which there is in force a minimum speed restriction requiring vehicles travelling thereon to be driven at more than 20 miles per hour." Now there is such a restriction on that highway and I certainly am not in favour of vehicles of any kind impeding the traffic on the highways. I know that they can be a hazard there, but on the other hand, there are occasions when farm tractors, for one reason or another, simply have to travel on highways. I have always tried to see to it that the farmer and his implements are not completely crowded off of the roadways of this province and I have tried to the limits of my legalistic ability to try and see to it that because of things we put in the Act that he is not rendered liable for damages that could be very difficult for him, and it seems to me that we should make some kind of a provision here for the exceptional case as we do in some others. If I am right in that, I would think that that prevents a tractor from being driven, under any circumstances, on quite a few highways in this province.

MR. STEINKOPF: Mr. Chairman, I believe that's the only highway so far, and just one section of it that has the minimum speed. The intent is pretty clear that a farm tractor can not be driven on that section of any highway where there is a minimum speed limit.

MR. CAMPBELL: There must be some other highways, is there not, where there is a minimum speed?

MR. CHAIRMAN: I understand just No. 1 Highway.

MR. CAMPBELL: Just No. 1, eh? Well, that ...

MR. CHAIRMAN: Between Headingly and Portage.

MR. CAMPBELL: Is that the only section of No. 1?

MR. CHAIRMAN: Yes.

MR. CAMPBELL: And it just would happen that that would be in my constituency, wouldn't it? --(Interjection)-- I still don't like it, Mr. Chairman. I think there should be some provision for the exceptional circumstance and where we -- you'll notice that (b) of subsection (2) doesn't allow a farm tractor to be driven on any highway at a speed in excess of 20 miles per hour. And then on the next page, in 168, they can't drive it at any less than 20 miles an hour except under certain circumstances, so he can't drive it any more than 20 under one section and he can't drive it any less than 20 on the other, so boy, he's got to stay right on the 20 unless it's properly lighted. Now I'm not anxious -- I'm certainly not anxious to cause any problems on the highway, but I'm also very cognizant of the fact that a farmer who is found there with his tractor could be severely handicapped by just driving it a short distance in an emergency.

MR. CHAIRMAN: (Pages 113 to 130 were read and passed.) Page 131 --

MR. CAMPBELL: Mr. Chairman, 131 is where the arrest without warrant comes in, and I understand from the Minister that they're holding that one; it'll be further looked at.

MR. CHAIRMAN: Well, we're going to look at the definition of a peace officer.

MR. STEINKOPF: That's part of it. Just hold them both.

MR. CHAIRMAN: (Pages 132 to 143 were read and passed.) Page 144 --

MR. STEINKOPF: Mr. Chairman on Page 144, Section 235, and then again in Section 239, Page 147, it might appear that there is an inconsistency between these two sections. It's just come up today, where a person convicted of drunken driving could get his licence back immediately by paying his fine and putting up immediately proof of financial responsibility. Yet under Section 235 the licence seems to be suspended for a fixed period. Furthermore, there are some other serious offences such as manslaughter and criminal negligence, and there is, as the bill now stands, no mandatory provisions for suspension, and I have a rather lengthy amendment here that I haven't had time to have distributed to members of the committee, but I think it would be wise if we give some consideration to it. Would it be your wish that I read the amendment or postpone it till the end of ...

MR. CHAIRMAN: ... to the Honourable Minister shall read the amendment with the idea that we will approve of it now?

MR. STEINKOPF: I beg to move, Mr. Chairman, that Bill 5 be amended:

(a) by striking out the first five lines of subsection (1) of Section 235 and substituting the

(MR. STEINKOPF cont'd)... following: 235 (1) The licence and right to have a licence of a person who is convicted of an offence under section 192, 193, 207, 221, 222, 223 or 225 of The Criminal Code committed in any case by a person while operating a motor vehicle, is hereby suspended.

(b) by striking out clause (d) of subsection (1) of Section 239 and substituting the following: (Now we move over to Section 239 which is on another page; it's on Page 147, and there inserting) (d) an offence under section 192, 193, 207, 221, 222, 223, 225, 226 or 228 of The Criminal Code committed in any case by a person while operating a motor vehicle.

(c) by striking out subsection (5) of Section 239 and substituting the following: (5) Every licence and every registration suspended under subsection (1) shall remain suspended, and shall not be renewed, and no new licence shall be issued to, or registration of any motor vehicle be permitted to be made by, a person so convicted or who has so forfeited his bail until (a) in the case of a suspension of a licence, the expiration of the period, if any, for which it is suspended under Section 235; and (b) he has satisfied any penalty imposed by the court in respect of the offence, has given proof of financial responsibility, and has satisfied any other requirements of this Act, or the Registrar, or until his conviction has been quashed.

And (d), by striking out the words and figures, subsections (1) and (2), in the fifth line of subsection (3) of Section 235, and substituting therefor the words and figures in those sections of The Criminal Code.

MR. CHAIRMAN: I understand that in (d) that where you read 228 it should be 281?

MR. STEINKOPF: In this amendment that I've just read?

MR. CHAIRMAN: Yes.

MR. STEINKOPF: Did I say, after 226 or 281? Yes, it should be 281 of The Criminal Code.

MR. CHAIRMAN: After 226. All those in favour?

MR. J. M. FROESE (Rhineland): Just what is the real effect of this change -- Could you give that in a few words?

MR. STEINKOPF: There is an inconsistency between the two sections, 235 and 239, and it might be possible for a man who has had his licence suspended for a definite period to have that reinstated upon the payment of whatever fine he has to pay, and also immediate proof of financial responsibility; and the second part of it is, there are a number of very serious offences such as manslaughter and criminal negligence that are in the Criminal Code, but as our Act now stands there is no power, or no mandatory period of suspension, and we want to rectify that so that anybody who is found guilty of any of these offences under The Criminal Code too it's mandatory for him to have a period of suspension.

MR. CHAIRMAN put the question and after a voice vote declared the motion carried.

MR. CHAIRMAN: (Pages 144 to 152 were read and passed.) Page 153 --

MR. CAMPBELL: Mr. Chairman, this Page 153 and the next page, this being Suspension by the Minister and the other one being Suspension by the Registrar; are there appeals in both of those cases?

MR. CHAIRMAN: On Page 153 at the top it provides for an appeal under Section 243. (Interjection) Yes, but no under 242.

MR. STEINKOPF: Mr. Chairman, I don't think that there is a provision for an appeal here unless there was an omnibus appeal clause, and there isn't I don't think for the section but it is designed for the suspension of matters to do with non-residents, and I presume that is the reason why there is neither time nor need for an appeal. In this case a non-resident would, if he's going to be here long enough, could change his status and become a resident, get a driver's licence under the normal way by just applying, and then he would have -- the Minister would have no right to suspend his licence or anything to do with it, and he would then fall under the immediate jurisdiction of the Registrar, and from that there would be an appeal.

MR. CHAIRMAN: (Pages 153 to 155 were read and passed.) Page 156 ---

MR. CAMPBELL: Mr. Chairman, I'm sorry that I missed this one as we were going by, but on Page 156, the Licence Suspension Appeal Board; who heads the board now?

MR. STEINKOPF: The name of the man who's the head of it or ---

MR. CAMPBELL: Who is the head of it?

MR. STEINKOPF: It is a separate board and it's appointed by -- the man who is the head of it is Mr. McLean, a lawyer. John McLean.

MR. CAMPBELL: The Attorney-General?

MR. CHAIRMAN: (Pages 156 to 184 were read and passed.) Page 185 ---

MR. STEINKOPF: Mr. Chairman, on Page 185, I don't know whether you have this amendment that should appear immediately after Section 301, which has to do with the registration of antique cars?

MR. CHAIRMAN: Yes. You are moving that amendment?

MR. STEINKOPF: Have you got that in the blue copy there in your copy? Has that been amended? I'm just checking.

MR. CHAIRMAN: Yes.

MR. STEINKOPF: It starts off "Notwithstanding any other provisions herein."

MR. CHAIRMAN: I think all members have a copy of the motion. It was distributed.

MR. STEINKOPF: Yes, but that wasn't - I don't believe that was passed at our last Committee meeting.

MR. CHAIRMAN: No.

MR. STEINKOPF: This is a new amendment.

MR. CHAIRMAN: With relation to the registration of antique cars. The motion has been distributed. Moved by the Minister of Utilities that Bill 5 be amended by adding thereto immediately after Section 301 thereof as printed the following section: and then it goes on (1) (2) (3) (a) (b) (c) . . . . Motion passed.

MR. CHAIRMAN: (Pages 185, to 194 were read and passed.)

MR. CAMPBELL: There were no changes made in the particulars in Committee, pages 191, 192, 193 and 194.

MR. CHAIRMAN: No changes were made. Now that leaves pages 5, 68 and 69 and 131 which have not been passed as yet.

MR. STEINKOPF: Two of those pages have to do with the definition of a peace officer and the authority that he has in making arrests. Those were done before we had the benefit of counsel and I was just wondering if we could now get a decision or get their ideas on that, through you.

MR. CHAIRMAN: I'm informed that with regard to the definition of a peace officer on page 5 that a peace officer in the second portion (ii) refers to a police officer who has power to enforce traffic by-laws or regulations by making arrests. A man that just has the power to give out parking tickets doesn't have the power to enforce those parking tickets or traffic by-laws or regulations by making arrests, so such a person wouldn't be included under the definition of peace officer.

Is that satisfactory?

MR. CAMPBELL: Mr. Chairman, my objection was to the whole principle of the very wide latitude that seems to me to be given to a peace officer - this is the wording of the section "who on reasonable and proper grounds." Now my honourable friends will probably tell me that this is already in the Act, I don't know. I haven't checked it that carefully. Just what are "reasonable and proper grounds"? Then he just "believes" that a violation of any of the following provisions, and then we have quite a few of them listed. I didn't read all the ones here, but if I'm correct, the first one that's mentioned subsection (3) of section 24 deals only with the lighting equipment on vehicles, and it really seems to me to be a bit arbitrary and a little farfetched for a peace officer to have the power to arrest, to arrest. Now to detain or to give a ticket or take whatever action is necessary to see that the lighting equipment is up to standard or that it's corrected if it's defective and all that is quite okay, but "to arrest" seems to me to be too drastic for just the defective lighting equipment. To continue with the reading of it after the listing of the clauses, "when he believes on reasonable and proper grounds that those have been violated whether it's been committed or not, who on reasonable and probable grounds believes any person has committed such a violation may arrest that person without warning." It seems to me to be pretty drastic and I want to raise the point and protest against the fact that it is so drastic but . . . .

MR. CHAIRMAN: The first subsection you refer to doesn't refer to lights.

MR. CAMPBELL: Does it not.

MR. CHAIRMAN: No.

MR. CAMPBELL: What does it refer to?

MR. CHAIRMAN: It refers to proper use of instruction permits.

MR. CAMPBELL: Well let's look at some of the other ones - for instance this one - this one seems to me to be rather minor and certainly people shouldn't be going beyond the terms of what their instruction permit allows them to. That's a fault and I'm not trying to excuse them for it, but to arrest them seems to me to be a little - hardly making the penalty fit the crime. What's the next one?

MR. CHAIRMAN: Speeding.

MR. CAMPBELL: Well now speeding. Let he who is without sin cast the first stone. What one of my honourable friends here hasn't speeded at times? And do they really think-- they should be warned; they should be disciplined; they should be checked, but should they be arrested? If they were speeding and caused a serious accident and the consequences were going to be grave perhaps an arrest would be necessary. Surely not just for speeding. What's the next one, Mr. Chairman.

I'm not going to make a speech on every one, the principle is what I am concerned with. I think it's a little too drastic.

MR. CHAIRMAN: Page 5 passed.

MR. J. M. FROESE (Rhineland): Mr. Chairman, what sections are we discussing.

MR. CHAIRMAN: We were discussing the definition of a peace officer on page 5.

MR. CAMPBELL: What we are really discussing, Mr. Chairman, is section 212. I referred to the definition of the peace officer because under section 212 a peace officer, who seems to me to cover a pretty wide range of officials, is empowered to arrest without warrant on what he deemed to be reasonable and proper grounds, whether they turn out to be right or not, and whether the fault has been committed or not he can arrest without warrant on what seemed to me to be pretty minor offenses.

MR. CHAIRMAN: Page 5 passed. Page 131 passed. The other pages that were left are pages 68 and 69.

MR. MOLGAT: Mr. Chairman, on page 68 and 69 with reference to section 91 of the Bill. This is the one with regard to speed limits. I would like to propose an amendment to this section. My amendment would read "that section 91 of Bill No. 5 be amended by adding a new subsection (2) as follows and renumbering the balance of the subsections in order. The new subsection (2) would read 'no person shall drive a motor vehicle at a rate of speed greater than 15 miles an hour while passing (a) a school building or the grounds thereof, (i) within fifteen minutes before the opening of morning classes or afternoon classes in the school, or (ii) within fifteen minutes of the closing of morning classes or afternoon classes in the school, or (b) the grounds of a school building, or of an institution for the care of children, or grounds on which there is a playground or skating rink, while children are on those grounds or on the highway adjacent to those grounds, or (c) an institution for the blind, if the existence at that place of the institution, school building, playground or rink is indicated in each case by road signs.

MR. CHAIRMAN: Are you ready for the question?

MR. MOLGAT: Mr. Chairman, my reason for moving this is to put back into the Act that which has been removed and which was in the previous Highway Traffic Act both the 1956 and the major revision of 1960. I think there has been a good deal of discussion on this subject. The real difficulty as I understand it in this matter of speed in playground zones and school zones is in that the enforcement has not been consistently practiced. That is where there is the real problem, that in certain areas it has been enforced, in other areas it has not been enforced, and I think both the motorists and the pedestrians have a lack of understanding of exactly what the law was. We find in fact, some of the Legislators here, who were under the impression for example, in school zones it was 15 miles per hour at all times, and unfortunately I think in certain cases the enforcement by the authorities was on that basis, that regardless of what time of day you passed by the school if you were going faster than 15 miles per hour you were liable to get a fine. I can't say that I was caught in this but I understand that the school zone for example in Tuxedo, on Roblin Boulevard there, that goes right through the centre of Tuxedo, by the Park, that that school zone was very strictly enforced and apparently enforced beyond the normal hours or beyond the hours as listed in the previous Act.

(MR. MOLGAT cont'd).....

There were other school zones in the City in particular, one of them on Corydon St. for example where there is a playground, which certainly was enforced, if you were following traffic there at any time you could see the traffic automatically slow down. In other areas of the City there seemed to be no slowing down in school zones, because there was no actual enforcement of the zone.

So it seems to me that the fault does not lie in the Act as it was written previously but rather in the lack of knowledge on the part of everyone as to exactly what the rule was with regard to schools and playgrounds, and that this should be very widely advertised; secondly that there should be a uniformity of enforcement throughout the province and if this were followed I think that the rule then is a good rule, because we cannot expect school children to be as attentive as they should be. We can preach to them all we want and we can have school patrols, which are certainly excellent things, but they are still children, and in the course of their play they are liable to run out suddenly, they'll be kicking a football and they will go out on the street without thinking at all, they will run out for it. If there are parked cars, they will run out between them. I know that the objections to this are well the same thing can happen when they are at home. That's true as well, but the fact is that there is a concentration of children in the school areas and the playground areas and I think that the protection of a lower rate of speed is warranted because of that concentration in those areas. The inconvenience to the motorist I think is insignificant by comparison to the saving of any lives or any injuries.

So I recommend to the committee, Mr. Chairman, that we adopt this resolution or this amendment to the Act which will reinstate in the Act that which has been there for some time; and I make the recommendation that if the amendment is accepted that there be very widespread information as to exactly what the rules are with regard to speed zones in playgrounds, a clear cut understanding by the public, and then an insistence by the authorities that the enforcement be uniform in all municipalities and that there be one rule throughout the province.

MR. STEINKOPF: Mr. Chairman, this was probably the most contentious matter that came before the Committee. Maybe I am wrong when I say the most contentious. That's probably not the right word. But the matter that received by far the most attention in this whole Act, was the one on what to do with the 15 mile an hour speed zone in the school areas and where there were certain institutions. The thought throughout the Act was that safety be the number one guiding principle and that we try and make our highways as safe as possible for the pedestrian, school children and the motorists alike. The experts on this matter who have given it a lot of study were unanimously of the opinion that the 15 mile an hour speed zone had many defects and that the public, who as the Honourable Leader of the Opposition has just said, would welcome this change in the Act, that is the change back again to a 15 mile an hour speed zone, would only do so because they were uninformed as to what actually was the intent or is the intent of the Committee in recommending that the 15 mile an hour speed zone be abolished.

The schools that are in the heavily populated urban areas are all of them now protected with very high wire fences and the opportunity of a child running after a football from the school grounds has been made impossible, whereas in the very next block where the speed could be the normal speed and the tendency is that once the driver has passed the 15 mile an hour speed zone he revs up the motor and gets back into the area, and just at the point where he should be on guard for children running out from the curb, from the sidewalk or past or out from parked cars, he is no longer as careful as he was when he went through the enforced 15 mile an hour speed zone. At the corners at school times, at the times that the most children would be going in and out of the school, there are school patrols and they have done, as you know, a very excellent job and have educated not only the children but also the motorist as well and one very rarely sees or hears of anybody not obeying the school patrol signals.

The enforcement on a uniform basis, on the present way the Act stands, is almost impossible. One finds schools on major highways throughout the province and people driving by very safely at as much as 60 miles an hour, and if the enforcement was uniform the way it should be and the intent of the Act was really followed, then I would think it would be very difficult for people to operate in that area. We have the public who are not informed even though they have been told what hours the regulations are in effect and many of the older drivers particularly will tend to slow down to 5 or 10 miles, even though it would be 2 or 3 o'clock in the morning, going by a school on a very fast highway.

The provision that the Committee has taken to make sure that the safety is paramount is to provide a new section in the Act, No. 173, and Subsection (3) of Section 91 has been added

(MR. STEINKOPF cont'd).....to the Act which goes much farther than was ever contemplated by the 15 mile an hour speed zone that was set up. This provides for careless driving - and careless driving could mean going at any small rate of speed whether it be as low as 5 miles an hour if in fact the driver should have come to a complete stop. The penalties under this section too are going to be very severe and the onus is going to be on drivers that when they are in the general area of where there is a school that they must be on guard for children darting out from all parts of that area, not just the one block where the school is located. They will be trained, certainly the younger drivers who are getting educated - and in this area I must compliment them because those who have taken courses are very very careful in going through a 15 mile an hour speed zone. It's only the older drivers who didn't have the benefit of driver training who are still not educated and have the feel of slowing down to a reasonable rate, a very slow rate, when they are in the school areas. It is felt too that in most jurisdictions - and you'll be interested to know that both in Canada and the United States, that almost at regular intervals we hear of other jurisdictions doing away with the former 15 mile an hour speed zone media. It is a recommendation of the various safety bodies across Canada although there are some who object locally, but I think that the Committee on this score has done a good job, they gave the matter a lot of thought and they feel that we will be protecting our children to a greater degree if we erase the 15 mile an hour speed zone and in its place suggest, and see that it is enforced, a careless driving charge that will put the onus square on the shoulders of the driver to be on the lookout for children whenever there are any in the area and at any time.

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): Mr. Chairman, if I understood the Minister right - and I don't disagree with him, but I see a danger there and I think we've got to think of the drivers as well as anybody else. We want to be fair to them, I suppose. The Minister suggests that you have to use care before you approach a school zone or a playground zone. What notice will a motorist have that he is approaching a school zone or a playground zone? What notice will he have? If a stranger comes into the City of Winnipeg he wouldn't know he was approaching a school until he saw the notice and the signs are put up immediately adjacent to the block on which the school is located. I agree that care should be taken before you get there and after you leave it, but I think it's unfair to the motorist who does not know that the school is there. Does the Minister intend to put up signs in what he considers are the danger zones, a block ahead of the school grounds, two blocks ahead of the school grounds, or three blocks? And if he does, will he do so before this Act becomes law?

MR. STEINKOPF: Mr. Chairman, this is an important part and this section of the Act will be proclaimed at another time than the Act itself will be proclaimed, so as to give us time to make the switch. There will have to be, as the Honourable Member for Ethelbert has just said, time to re-orientate the signs and to make everyone conscious of the signs. We have had some signs up on a test basis to see what would happen and how the public would react to them, and we would like to do a little bit more testing because the changeover period would be a rather important one and a dangerous one and the signs and all matters relating to the change would have to be done at the same time that the section was changed.

MR. CAMPBELL: Mr. Chairman,.....the Honourable Minister. Did he say that all of the school properties in this area were now enclosed with fences?

MR. STEINKOPF: Yes, Mr. Chairman.

MR. CAMPBELL: Pardon?

MR. STEINKOPF: Yes.

MR. CAMPBELL: Mr. Chairman, I'm sure you're quite well aware that this just isn't a fact. I pass school grounds every day, more than once a day, and more than one school ground that are not enclosed with a fence. In the City of Winnipeg, the town in which I live, in both cases there are school grounds that are not enclosed with fences. As a matter of fact just yesterday beside one of those grounds, at the time when the school grounds were occupied by quite a few children, a car passed me while I was travelling at what I thought to be a proper rate of speed, a car just passed me without any hesitation whatever. And when my honourable friend says that it's very rare that you see this, you see it too often altogether. I saw it yesterday and this was beside a school ground that was not protected by a fence. As a matter of fact, when I was challenging the Committee to cast the first stone a little while ago, I am prepared to admit that I was once checked up about passing a school ground at too great a speed and I think it's an excellent thing that people should be. It made me remember to be more careful in future. I think this is an excellent thing. Now, Mr. Chairman, is this - I

(MR. CAMPBELL cont'd)... was called out for a moment. I understand that my Leader made a motion on this matter. Is there a motion?

MR. PATRICK: Mr. Chairman, as a member of the Committee I would like to make my position clear, just where I stand on the removing of the 15 mile speed zone.

MR. EVANS: I wonder if he would wish to have more than a half a minute, because we have now come to the hour when we must adjourn, and I take it there is no disposition in the Committee to pass this bill now, that we'll have to consider it again. I'd ask for comments on that point. If it seems agreed that we cannot conclude the matter now, then I move the Committee rise.

MR. CHAIRMAN: Call in the Speaker. Madam Speaker, I wish to report progress and ask leave for the Committee to sit again.

IN SESSION

MR. JAMES COWAN, Q. C. (Winnipeg Centre): Madam Speaker, I move, seconded by the Honourable Member for Pembina, that the report of the Committee be received.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: It is now 5:30. The House will now adjourn and stand adjourned until 2:30 Thursday afternoon.